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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,752	01/26/2004	Hanspeter Bloch	0127-088P/A/JAB	8764

22831 7590 08/04/2006

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EXAMINER

KRUER, STEFAN

ART UNIT PAPER NUMBER

3654

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,752	Applicant(s) BLOCH ET AL.	
	Examiner Stefan Kruer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2 - 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over VIITA-AHO (WO 00/15535).

Re: Claim 1, VIITA-AHO discloses:

- a support column (9, Fig. 1) extending the length of a lift shaft (1) to a base of a shaft pit (10),
- a guide rail (11) for a counterweight and a guide rail (2) for a lift cage (3) are arranged at the support column (Fig. 1),
- whereby the guide rails extend through the lift shaft to said base,
- a lift drive (5) supported on a guide rail and support column (Page 5, line 25) so that a load of the lift drive is transmitted to the base of the shaft pit by way of the guide rail and the support column,
- and the lift drive supported by a *single* guide rail and the support column.

VIITA-AHO discloses further the feasibility to provide auxiliary support by having multiple support columns, wherein the guide rails may be completely supported by the support column(s), with the support columns having interconnecting bracing structure at their upper ends, and the lift drive supported by said bracing structure. (Pg. 5, Line 10).

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In addition, he discloses his feature of using lighter guide rails "...because the elevator machine mounted on them produces no stress on the guide rail..." (Pg 6, Line 9).

It is inherently anticipated, or would have been obvious to one having ordinary skill in the art, to support the lift drive by the support column and its adjoining guide rails.

Re: Claim 5, VIITA-AHO discloses his "... auxiliary supports...may consist of various steel and/or concrete structures...preferably (sic)... steel tube filled with concrete" or "...other auxiliary support structures that are sufficiently rigid and have a sufficient load-bearing capacity..." (Page 5, Line 34).

Wherein, further, the use of steel columns of square hollow construction are typical to industry as a cost-effective support means, in terms of fabrication, handling and installation, it is inherently anticipated, or would have been obvious to one of ordinary skill in the art, to provide a square hollow profile member.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over VIITA-AHO in view of Baranda et al (WO 99,43589).

VIITA-AHO discloses:

- a support column (9, Fig. 1) extending the length of a lift shaft (1) to a base of a shaft pit (10),
- a guide rail (11) for a counterweight and a guide rail (2) for a lift cage (3) are arranged at the support column (Fig. 1),
- whereby the guide rails extend through the lift shaft to said base,
- a lift drive (5) supported on a guide rail and support column (Page 5, line 25) so that a load of the lift drive is transmitted to the base of the shaft pit by way of the guide rail and the support column;

however, his lift drive is supported by one guide rail and a support column.

Attention is directed to Baranda et al who teach their first and second guide rails (74, 72, Fig. 1) formed integrally with their support columns (24, 26 and Pg 5, Line 1) upon which their lift drive (42, 44) is mounted. Furthermore, their guide rails extend vertically along their support columns "at least" over a length of travel of their elevator car (Pg. 5, Line 8).

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It would have been obvious to one of ordinary skill in the art to modify the reference of VIITA-AHO with the teaching of Baranda et al to utilize the guide rails and support column(s) in bearing the load of an elevated lift drive.

Allowable Subject Matter

Claims 2 - 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 contains allowable subject matter because the teachings of the prior art of record taken as a whole do not show or render obvious the combination set forth including the one setting screw bearing against at least one guide rail

Response to Arguments

Applicant's arguments with respect to **Claims 1 - 4** have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK
31 July 2008


EMMANUEL MARCELO
PRIMARY EXAMINER